

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DENG DENG

*

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v.

* Civil No. JFM-14-121

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JOSEPH SAUL HENTON

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MEMORANDUM

Deng Deng has appealed from an order of the Bankruptcy Court finding that his claim against the Debtor, Joseph Saul Henton, is dischargeable. The ruling of the Bankruptcy Court will be affirmed.

Deng was injured by a pen knife used by Henton during the course of a melee. As found by the Bankruptcy Court, Henton's use of the knife unquestionably was willful. The Bankruptcy Court found, however, that in order not to be dischargeable, Deng's claim required Deng to establish that the injury caused by Henton was also "malicious." Deng has not appealed from that ruling.

Henton's justification for using the pen knife was that he was appropriately defending himself when he became involved in the fight with Deng. In a twenty-one page opinion, the Bankruptcy Court, after having heard the testimony of Deng and Henton, determined that Henton had met his burden of proving that his action was appropriately taken in self-defense. That finding of fact, because it was based upon the Bankruptcy Court's judging of the credibility of witnesses, cannot be set aside unless clearly erroneous. *Fed. R. Bankr. P.* 8013 (2013). After reviewing the opinion of the Bankruptcy Court, which is extensive and balanced, this court is of the view that the finding of fact made by the Bankruptcy Court certainly should not be

disturbed.¹ Accordingly, the ruling of the Bankruptcy Court will be affirmed.

Date: November 3, 2014

/s/ J. Frederick Motz
J. Frederick Motz
United States District Judge

¹ Inexplicably, the opinion was not included in the record on appeal. However, this court has obtained a copy of the opinion from the file in the Bankruptcy Court.

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ORDER

For the reasons stated in the accompanying memorandum, it is, this 3rd day of November
2014

ORDERED that the ruling of the Bankruptcy Court that Joseph Saul Henton's debt to
Deng Deng is dischargeable is affirmed.

/s/ J. Frederick Motz
J. Frederick Motz
United States District Judge